

FOR THE RELIEF OF MERCEDES DEL CARMEN QUIROZ
MARTINEZ CRUZ

SEPTEMBER 9, 1998.—Committed to the Committee of the Whole House and ordered
to be printed

Mr. SMITH of Texas, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 1834]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill
(H.R. 1834) for the relief of Mercedes Del Carmen Quiroz Martinez
Cruz, having considered the same, reports favorably thereon with-
out amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

This bill would make the claimant eligible for adjustment of her
status to that of a permanent resident.

BACKGROUND AND NEED FOR THE LEGISLATION

In December 1993, Mercedes del Carmen Quiroz Martinez and John Francisco Cruz, an American citizen, were married in Vejle, Denmark. Mr. Cruz filed an alien relative petition for Mrs. Cruz in September 1994, in Frankfurt, Germany. INS here has no record of that being processed. However, Mrs. Cruz has a copy of the petition as well as a copy of the Frankfurt office receipt. The couple had an American citizen child in November 1994, in Germany. Mr. Cruz, a 20-year Army veteran, consulted for the military in Germany.

On November 1, 1995, John Cruz died of a massive coronary in his sleep. Mr. and Mrs. Cruz had been married 1 year, 10 months, and 28 days. Mrs. Cruz and their son came here on a visitor visa for the husband's funeral and Mrs. Cruz filed a petition as a widow of a U.S. citizen in January 1996. That petition was denied because Mr. and Mrs. Cruz had not been married for the two years required by the Marriage Fraud Act prior to his death. She then filed an appeal of that denial, which was dismissed in January 1997.

The petition for Mrs. Cruz was filed in September of 1994. If the petition filed by Mr. Cruz not been lost by the INS, it is likely that it would have been approved prior to his death in November of 1995, and Mrs. Cruz would have been eligible to receive a waiver, under 8 CFR 216 of the Code of Federal Regulations, of the two year marriage requirement.

HEARINGS

The Committee's Subcommittee on Immigration and Claims held no hearings on H.R. 1834.

COMMITTEE CONSIDERATION

On July 23, 1998, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the bill H.R.1834 without amendment by voice vote, a quorum being present.

On August 4, 1998, the Committee on the Judiciary met in open session and ordered reported favorably the bill H.R. 1834 without amendment by voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1834, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 6, 1998.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1834, a bill for the relief of Mercedes Del Carmen Quiroz Martinez Cruz.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

cc: Hon. John Conyers, Jr..
Ranking Minority Member.

H.R. 1834—A bill for the relief of Mercedes Del Carmen Quiroz Martinez Cruz

H.R. 1834 would grant the status of immediate relative to Mercedes Del Carmen Quiroz Martinez Cruz, which would make it easier for her to obtain a family-sponsored immigrant visa. CBO estimates that enacting this legislation would have no significant impact on the federal budget. H.R. 1834 could have a very small effect on fees collected by the Immigration and Naturalization Service, which are classified as direct spending, so pay-as-you-go procedures would apply.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226-2860. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Rule XI, clause 2(1)(4) of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article 1, Section 1, Clause 8 of the Constitution.

AGENCY VIEWS

The comments of the Immigration and Naturalization Service on H.R. 1834 are as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, July 8, 1998.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in reference to your request for a report relative to H.R. 1834, for the relief of Mercedes Del Carmen Quiroz Martinez Cruz.

The bill would grant the beneficiary classification as an immediate relative within the meaning of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (Act) for purposes of approval of a relative visa petition filed under section 204 of such Act by Mercedes Del Carmen Quiroz Martinez Cruz and the filing of an application for an immigrant visa or for adjustment of status. The bill would also direct the proper visa number deduction.

Sincerely,

ALLEN ERENBAUM,
Director, Congressional Relations

Enclosure

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE: H.R. 1834

The beneficiary, Mercedes Del Carmen Quiroz Martinez Cruz, A73 671 602, a native and citizen of Panama, was born April 23, 1969, in Panama City, Panama. Ms. Cruz resides in Hampton, Virginia with her son, John Francisco Cruz, Jr., a United States citizen by birth. Ms. Cruz is currently unemployed and receives about \$800 a month from Social Security and about \$1,000 a month from Veterans Benefits due to the death of her husband.

The beneficiary was admitted to the United States as a visitor for pleasure on November 10, 1995, at Atlanta, Georgia, with authorization to remain in the United States for a temporary period, not to exceed May 9, 1996. Ms. Cruz is in removal proceedings from the United States as a person who has remained in the United States for a time longer than authorized.

The beneficiary shows no previous entries into the United States.

Ms. Cruz has two sisters residing in the United States. At this time, investigative inquiries from the CIA and FBI are still pending. If positive information indicated, a copy of the response will be forwarded for review.